This file contains Rel 81-43-44

App F IX 4

13-46

1943 44

File No ~~81-43~~

Previous References
Rel 81-43 (32 33)
& Rel 81-43 (33-44)

(Rel)

Serial Nos 31

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos One

Part B for Nov 44

SUBJECT

Refund of the deposit of Messrs ~~Arcot~~ Ranjundiah and Sons Tenders for the work of duplicating the Mallenaram main sewer, whose tender was cancelled vide 5.8.94 & 13.11.44

Ord: Granted to messrs.
N. Ranjundiah & Sons,
Building and Sanitary
Contractors
Mallenaram. Before
States that his request for Re-

Re-

418
2

Petition dt 17/7/44 from one Sri N Krishna Moorthy praying in the circumstances stated that the earnest money defaulted in connection with the execution of cert am drainage work in Malleswaram, A city, may be ordered to be refunded to him

1) In go No L 8308-11/mil 81-43-26 dt 12/2/44, Sanction was accorded to the forfeiture of the D P H to cancel the contract the tender of Messrs N Narayanaiah & sons for the execution of the work referred to above and to forfeit the earnest money of Rs 2,600 plus Rs 768/- held in reserve in this respect

2) In the circumstances, the prayer of the petitioner to refund the deposit amount is subject for orders

25/7 3) In view of the circumstances explained by the petitioner now, it is for orders of the Director of Public Health whether

4/8/44

Called for in regard to his request for the
reports of the amounts paid to Indian
Corps, and the contracts re Ramachandrudu.
has also applied for the refund of the amt
of Rs 10,000/- deposited by him but forfeited to
Govt under orders. Matter is separately dealt
with.

Lawley 27-7 ism

LAW DEPT
1561
21 JUL 1944
INDIA OFFICE

4) D.P.H. may kindly
consider
Lawley
27/7/44.

5) D.P.H.
27-7-ism

6) Draft letter as put up
ism 1/8

Lawley 1/8/44

TYPE SEC
1 AUG 1944
SEC

To,
The D P H
L 1274 dt 8/8
calls for certain information
Secy A
ism 16/8

from the D P H
No C 81-1651 dt 14-9-44.
Asks his opinion in the matter
of the representation of Mr N Krishna
murthy, on behalf of the firm of Messrs

Nanjundiah & Bros, Bangalore for refund of earnest money forfeited to the extent of Rs 2,600/- plus Rs 768/- held in reserve which was ordered to be forfeited in order of 12/2/44 on account of the failure on the part of the contractors to execute the drainage work entrusted to them, in time, the D P H, in the circumstances stated, is of opinion that if Govt wish to be sympathetic, some concession may be shown to the firm

8/ subject to funds with reference to Para 6 of Govt Order No. 2 dated 3/10 [illegible] Rangaswamy Iyengar it has been ordered that the Chief Engineer for Irrigation should be consulted. If agreed, the same procedure will be adopted in this case also.

Law Secy / Govt 4/10/44

to Govt 3.10.44

No. 69 dt 17-10-1944

Forwarded with compliments to the Chief Engineer for Irrigation for favour of opinion and early return

WD 0726—GPB—25 000—10 9 44

17/10/44

14/X/ for Secretary to Govt Law Secretariat

SECY-LAW DEPT 26 35 30 OCT 1944 GOVT OF MYSORE

CHIEF ENGINEER FOR IRRIGATION 1344/8 20 OCT 1944

C F 69

Continuation Sheet | File No / Current No | of | Page

No PC 280
15 11 1966

12) Returned to the Chief Engineer — I am of the opinion that in view of the 8(1) Circumstances represented by the Contractors in their petition some concession may be shown as indicated by the Director of Public Health. The deposit may be appropriated as prayed for.

K Nagaraj
Chief Engineer (Irrg)
14/11/66

SECY LAW DEPT * 15 11 1966 * GOVT OF MYSORE

17/11

2,600
768
3,368

b) The total amount forfeited was Rs 3,368/- both the D P H and the Chief Engineer (Irrigation) are of opinion that some concession may be shown to the contractor. It is for orders to what extent the concession may be shown. Financial concurrence may also be obtained in this case.

14) Submitted with reference to para 9 + 10 supra.

Mar 4/12 15 This will not do. A short note on the facts of the case should be put up, to enable orders being passed.

4/12

16 Messrs N Nanjundiah & Sons were given the contract of carrying out the work of duplicating the Malleswaram Main of the City Drainage scheme at a cost of Rs. 74,520/- They started the work in April 1943. They had to show progress at the rate of Rs.7,000/- per month according to the contract. The total outlay up to end of December 1943 was only Rs.15,447 as against Rs.63,000 -- the stipulated progress. Notices were issued to them to show progress in the work according to the agreement As the contractors were not able to show any progress, at the instance of the Special Officer for Drainage, the Director of Public Health recommended that their contract may be cancelled and their earnest money deposit of Rs2,600 and Rs 768 respectively may be forfeited

In consultation with the Chief Engineer, the recommendation of the Director of Public Health was sanctioned in Government Order No L 8308-11/Med.81-3-26 dated 12-2-1944.

17 Mr.N.Krishnamurthy on behalf of the firm, has now submitted a representation that the earnest money ordered to be forfeited by the Government in G.O M dated 12-2-44 may be refunded to him for reasons explained therein.

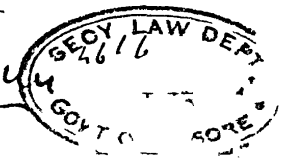
18 The Director of Public Health who was consulted in the matter is of opinion that some concession may be shown by Government, if the Government wish to be sympathetic. The Chief engineer for Irrigation endorses the views of the Director of Public Health

19 The total amount forfeited is Rs 3,368/- In view of the opinions of the Director of Public Health and the Chief Engineer for Irrigation, the question of showing

2057/2

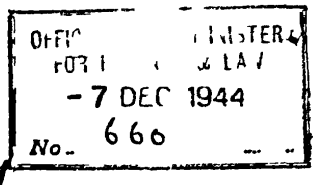
so as concession to the contractor is submitted for orders

Law Reg / for 6.12



20 It is alleged that due to illness of the Chief Engineer who died later — the work could not proceed quickly Less must have also resulted by the cancellation of the contract So, as so recommended by the D.P.W & the C.E, the case is one for favourable consideration — Concession may be shown regarding the postponement of the deposit amounts. The Rs 3366/- is the total amount deposited

Mudaliar 7-12-44 for



21) M explains no reasons clearly (advanced by the D.P.W & C.E) for recommending orders already passed

21/12

for 26/12

C F 69]

Continuation Sheet

B475 2057

re refund of the deposit amounts of Messrs Nanjundaiah & Sons

File No / Current No

Page 4

2nd) A draft letter is put up to the D P H and the chief Engineer for Irrigation calling for their definite opinion – Ref from 21 Inspn Hrs 2/1/45 dated 23/1/45 No reasons have been given by the above Offrs and from y their recommendation it is necessary to call for definite information. Draft is for appl Law secy) for 24/1/45

24) A may kindly see

Ans 4-2-45

Issue

8/2/45

To,

The D P H.

The chief Engineer for Irrn

No 26829-9 & 10-1-45

calls for certain information from the Chief Engineer Ver Irrigation No P-C 80 dated 4-9-45 furnishes detailed reasons to justify the refund of the Deposit amount of Messrs Nanjundaiah and Sons

25) Submitted with a draft reminder to D P H

26) Please see

28/9/45

TYPING SECTION
28 SEP 1945
& REV SECTT

28/9

WD 0726—GPB—2,000—15 9 44

from the Director of public Health
C 80-70-45-46, dt 27-9-45-
states that the prayer of the Contractor for refund of the deposit amount does not merit any reconsideration
2) The Chief Engineer for Irrigation has advanced the following grounds in support of the proposal to refund the earnest money and Security Deposit amount amounting to Rs 3368, ordered to be forfeited in respect of works taken on contract during 1941-42 and 1942-43, the position of the Contractor was particularly hard and precarious, as the rates of materials and wages for labour were fluctuating violently and that in several cases the contractors suffered very seriously when they were asked to carry out works according to tendered rates
2) that the petitioner has in his petition indicated the various circumstances under which he was forced to go to ruin for reasons, the reasons adduced being extent enough to deserve sympathy
3) But the Director of public Health who had previously expressed the opinion to the effect that if Government wish to be sympathetic some concession may be

should be forfeited - has now changed his attitude and has stated that the prayer of the contractor does not merit reconsideration, for the following reasons —

1) that they have received 66 bags of cement and large quantities of stone-ware pipes entrusted to them and that they have taken no notice of the demand from the special officer to return the bags

2) that the contractors have sold the pipes, etc, to the present contractors thereby making a profit of Rs 9607- at the present rates.

29) For orders Refer para 21 of the notes supra

30) The facts of the case have been set forth in paras 16 to 19 supra

31) The Chief Engineer for Irrigation has given the reasons as stated in para 27 above on which he has recommended the grant of the Concession of refunding the deposit forfeited from the contractor in his letter dated 12 2 49

2360

The Director of Public Health who had at first agreed for some concession being shown to the Contractor has now gone back on his recommendation & has stated that no consideration of the orders already passed is called for

By the question is put for orders with reference to the Ministry's minute dated 21 Sept

ADDL Secy/ Ln 1/11/45

ADDITIONAL SECRETARY No 2724 Date 12/11 GOVT. OF M.P.

33) Are there cases where such refunds were ordered by Govt in similar circumstances? The case is dragging too long!! JDW 12/11

Ln 1/11/45

34) No precedents are available. The Chief Engineer's proposal for relaxation will be addressed if approved Yes/Asst

Ln 26/11/45

26/11 35) Send with a draft letter

36) JDW 28/11/45

28/11

Chief Engr for Govt
L 14409 D 30-11-45
calls for the above information

TYPING SECTION 29 NOV 1945 GEN & REV SECTT

JDW

3733/2360/L

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

petition from M/s Krishna Murthy Contractor, requesting that the deposit amount of Messrs N. Rangundaraju and Sons, contractors, City Drainage Div^n be refunded - necessary orders — Refers

37) The connected file is sent up 21.11.45

The information regarding precedents called for, from the Chief Engineer Development is awaited

A

38) A — will be done in 3/12 — necessary

39) Seh in quick time file shd be put up to Minister for orders above

4/12/45

40) Pl put up after receipt of 4/12

41) Submit with a draft reminder

42) 7/12

To the Chief Engineer for early 8/12 reply

L4423 d 11-12-45

Reminds

43) Submit with a D.O reminder

44) 16/1

To C.E. for early 16/1/46

L6930 d 18-1-46

Reminds

TYPING SECTION 3 DEC 1945

TYPING SECTION 16 JAN 1946

NOTE—Contn Sheet

File No 6751/3733/2 of 194

General and Revenue Secretariat

Serial No

From the Chief Engineer for Irrigation
1998/5 dated 25-3-46

States that the case of Messrs N Rangmudaiah and Sons, requesting for the refund of the Deposit amount is similar, if not harder, to the case of one Mr Jaker Ahamed Bidadi Tank Contractor wherein the forfeited deposited amount and the penalty imposed were ordered to be refunded

45) The facts of the case have been set forth at paras 16 to 19 supra

46) The Chief Engineer for Irrigation has expressed the opinion that the case of Messrs N Rangmudaiah and Sons in regard to refunding the Deposit amount is similar, if not harder, to the case of Mr Jaker Ahamed Bidadi Tank Contractor

47) Refer para 33 supra

Reverse for 48) Draft of the proposed Statements made in 1 & 2 in para 28 above referred to by the DPH

Sd/- 29/3

Sd/- 2/4/46

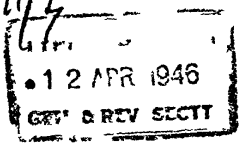
67-1-5799

In view of the contradictory reports furnished by the Director of Public Health it is rather difficult to assess the element of truth

50) A draft calling for further information is put up

51) Issue advice

[illegible]



To the Chairman C S T Board, Bombay
vide L/11035 dt 13-4-46

not found in correspondence 13/11

calling for information as to whether the materials said to have been sold by the contractors could be classified as Govt property or private property

Sub A)

not found in correspondence 13/11

from the Chairman S T Bd Bombay
Letter No. 1722 dd 6-5-46
Submits a report

Submitted

57) The Chairman has forwarded a copy of the report of the Engineer officer C S T Bd Bombay —

7929
2 -

In the report it is stated that the contractors M/S N Narayanadiah & Sons purchased pipes from an approved firm on the authorisation of the Executive Officer Drainage Division During the period between the cancellation of their tender and handing over of the remaining materials with them to the approved tenderer Mr Doraiswamy Iyengar the value of these materials rose by 66% M/S N Narayanadiah & Sons charged the enhanced rates and made a profit of Rs 9,607/- The Engineer Officer states that they had to recover the amount calculated at the rate at which they had purchased and not at the enhanced rates. By this on account of this act of M/S. Narayanadiah & Sons Govt were put to loss as the Govt had to pay Mr Doraiswamy Iyengar according to tender agreement at which rates.

53) The Engineer Officer in his request therefore, for the confirmation of the forfeiture of deposit amount. The C.E. for Irrigation

7929
L

is in favour of granting some concession as in the case of one Father Ahmed Bidadi & a/k Contractor

54) Send for orders
22/9/15 respondent - pl wrap up for 10/15/46

53) The further facts of the case are mentioned clearly in the letter* of the Engineer attached to the city Improvement Trust Board, plaint. They are for personal orders with reference to the facts raised in para 4 supra

Reserved for 10/6/46

56) Was not the forfeiture of the deposit made under the agreement executed by the Contractor?

57) What is the special ground urged for reconsideration in view of Engineer's letter?

24/6/

58) A draft letter is sent up

59) Approved

To the Chairman C.P.T Board Ootacamund

TYPING SECTION
3 JULY 1946
CIL & PEV SECTT

Requests for further information

From the Chairman, C.P.T Board, Ootacamund
No. 57/46, dated 4-7-46

Asks a copy of the tender notification and a copy of the agreement executed by Messrs N Ramaiah and Sons in this behalf

60) With reference to the Secretary's query at paras 56 and 57 supra, the following information is furnished —

Was not the forfeiture of the deposit made under the agreement executed by the Contractor.

A copy of the agreement executed by

Flag 'Q'

Serial No

Messrs Nanjundaiah and Sons is placed in the file.

Para 14 of the Agreement runs as follows.—

The Executive Engineer is similarly empowered to cancel the Contract, should he consider that there has been unnecessary delay on the part of the Contractor in attending to or carrying out the instructions relating to the prosecution of the work or in supply of stores. The cancellation of the contract will debar the Contractor from all claims to the guarantee funds in the hands of the Executive Engineer

b) What is the special ground urged for reconsideration in view of Engineer's letter?

1) The Chief Engineer for Irrigation has recommended the refund as the rates for materials and wages for labour were fluctuating violently during the years 1941-42 & 42-43 which compelled some of them to stop works altogether

2) The Chief Engr has reported that the present case is similar to the case of one Mr Fakir Ahmed,

NOTE—Contn Sheet

Dadaji Tank Contractor in whose case the guaranteed deposit amount was ordered to be refunded

3) the Director of Public Health had previously recommended a refund of the amount & we want to take a sympathetic view of the case

4) that the family has represented that Mrs Gathe Ramchandra, the Contractor, died a few months after the starting of the work and that owing to rain and marshy area, no progress could be secured

5) I shall be glad for the particulars before the City Engineer's Division, after which inquiries.

6) A letter was sent to Mr. [illegible] for orders with regard to issue of Govt Sanction

(7) The amount of deposit forfeited in this case is Rs 3360/- having regard to the extraordinary conditions relating to labour & materials created by war & the circumstances stated above it has to be conceded that certain factors were beyond the control of the Contractor resulting in delay in the execution of the work which he had undertaken to do -

Serial No

5) Although he has defaulted, it would be a great hardship to enforce the agreement to its very letter. Hence it is a fit case for the kind consideration of Government if a nominal amount Rs 100/- or so may not be levied as penalty from the contractor & the balance ordered to be refunded. This would mean not insisting on a "pound of flesh" while the spirit of the agreement would be acted upto. This aspect of the matter is for the sympathetic consideration of Govt.

6) For orders with regard to para 5b & 5g supra (new regs) from 15/9/46

6a) What is the power vested in Govt under the Act to enforce in such cases?

Dy Secy 17/9/46

Secy 17/9/46

6b) The question relates to the Bangalore City Drainage works and does not come within the purview of the City Municipalities Act, 1933

NOTE—Contn Sheet

406
-N

File No of 194

General and Revenue Secretariat

Serial No

6g) Government have full discretion to pass suitable orders in such cases, as it merits

Refer para 67 Sylla

M 21/9

Rec Secy) on for 23/9/46

OFFICE OF THE DEPUTY SECRETARY TO GOVERNMENT OF INDIA IN THE DEPARTMENT OF EDUCATION, HEALTH & LANDS
Date 22.10.46
No 2602

There seems to be no need to go back on the decision taken up in this case. The Director of PA does not consider this a fit case for a review being taken. Contractors are escaping liability in all cases if they insist (Minister for Ed & L) + DPA

Sons 20/x/ 23/x/46

to dictate terms to such sums strongly as they appear necessary. There is no such thing as precedents in such cases

Sons

J.B. 24/10/46

Sons 26/x/46

Draft up as agreed Sons 26/x/46

Serial No

sealed with a draft reply

Secret
Confidential
1/11/46

To Thomas M Madiedaraah Esq
Chairman, C & T Board
I-2 for Govt
Director of Health
L 5077 of 13-11-46
refers the Accountant

4 NOV 1946

NOTE—Contn Sheet

File No.

WD 03814—GPB—15 000—20-7 46

ML 13-46-31 ML 81-43-44

(IN MYSORE GOVERNMENT APPROVED LIST)

GEN & REV SECRETARIAT 4R 19 JULY 1944 L & G BRANCH

N Nanjundiah & Sons

Building & Sanitary Contractors

Second Cross
Malleswaram PO

REF NO _____

BANGALORE, 17th July, 1944

ML

The Secretary to the Government of Mysore,
Law Department, Bangalore.

Respected Sir,

Ans 16-7-44

Re Duplication of Malleswaram Lain

The tender for the above work was called for in June, 1942 and we were the lowest tenderers The order for collection of materials was given in March, 1943 and we began to collect ~~materials~~ materials and started the work in May, 1943 During this lapse of ten months labour and material went up abnormally high--100%. My father Mr Nanjundaiah was solely responsible for taking up the work though I was not in favour due to changed conditions and the marshy area in which the work was to be got through The work was carried on for five months with an average progress of Rs 3000/- and then stopped, as my father was suffering from severe blood pressure He became bed-ridden and had two or three heart attacks The attending Doctor told me that the disease was of a dangerous and uncertain nature, and that I should not leave his bed side I was therefore, was compelled to stop all activities and solely attend to the patient He showed some improvement in December and I again started and gave a progress of about Rs 3500/- in January But the order of cancellation of Contract was received immediately after. - This was a great shock to my father who had not earned a single remark in his work of

ON MYSORE GOVERNMENT APPROVED LIST

N Nanjundiah & Sons

Building & Sanitary Contractors

Second Cross
Malleswaram PO

REF No

BANGALORE, 193

Page TWO

35 years of Government Work He had lost about Rs 4000/- in the execution of the work itself and this forfeiture of the the depos was the severest blow He sold one of his ancestral properties f Rs 6000/- to pay the immediate demands and died three weeks later

I wish to represent to the benaign Government that labour went up to 100% above the tendered price and cement from Rs 45/- to Rs 73-8-0 So also the other materials Stone-ware pipe of 15" was quoted from Rs 7/- to 12-12-0 and 18" from R. 10 to 21/- When I approached the Special Officer for redress, he said that the affair between the Mysore Stoneware Pipes and us was purely a personal matter, and that the department had no concern whatever about it and that he would not give any enhanced rates above the tendered rates

If my father had lived he would certainly seen to the comple of the work and then approached the benign Government for redress As these are very hard days I pray that the Government be pleased to order the refund of our deposit in view of the abnormal conditions in which we were forced to work and the losses we have already sustained domestically and financially

I remain,
Respected Sir,
Your most obedient servant
N Krishna Murthy

Appendix F G —1]

SUBJECT

Section M
File No 81-43
Serial No 45

Diary No of letter replied to

-

No R 1274 & 878/44

To

General and Revenue Secretariat

( )

the *194*

The D P H

Sir,

I ate of issue 878/44

Signed by

In forwarding herewith a petition (in original) dt 17/7/44 received from Th N Krishna Murthy, on behalf of the firm Messrs N Narayandas & Sons, Nalleswaram B alg praying for the refund of the deposit money of Rs 2,600/- which was ordered to be forfeited in Govt No L 8308 - II/M 81-43 - 26 dt 12/2/44, I am directed to reply

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

[illegible] to furnish our opinion on the
said representation only
the petitioner may rely, the
relations with the reply

I have the
[illegible] 11/8/[illegible] —
Yours very truly.

No C- 81-1651
Encl Subj one petition

GOVERNMENT OF MYSORE
PUBLIC
DEPARTMENT OF/ HEALTH

DR P PARTHASARATHY L M S B S SC (Mad) L R C P & S (Edin)
D T M (Lond) D P H (Camb)
Director of Health
~~DIRECTOR OF PUBLIC HEALTH, MYSORE (Mandya) (Dussehra)~~
~~Officer~~

~~BUREAU OF MATERNITY CHILD AND OTHER WELFARE WORKS~~
~~Vani Vilas Centre Vani Vilas Road~~
Bangalore
~~Mysore~~ (S India) dated 14-9-1944.

To

The Secretary to Government,

Law Department, Bangalore

SECY LAW DEPT
GOVT OF MYSORE

SIR,

Sub - Refund of the Deposit of Messrs N Nanjundiah & Sons tenderers for the work of duplicating the Malleswaram Main Sewer whose tender was cancelled

---

Adverting to your letter No L 1274/M1-81-43-45 dated 8th Aug 1944 forwarding for opinion the petition dated 17th July 1944 of Mr N Krishna Murthy, on behalf of the firm of Messrs N Nanjundiah & Bros, Malleswaram, Bangalore praying for the refund of the deposit money of Rs 2,600/-, etc, I have the honour to observe that the petitioner in his petition states that the tender for the work was called for in June 1942 etc and that the order for collection of materials was given March 1943 I may state that the last date fixed for the receipt of the tenders was 13th July 1942 The tenders with the comparitive statement were received from the Special Officer with his letter No 24 dated 27th July 1942 and were transmitted to Government with this office letter No 8 dated 8th August 1942 Government Order No L 7287-90/M1 90-42-33 dated 27th January 1943 was received in this office on the 28th January 1943 and a copy was sent to the Special Officer for needful on 29 1 1943 The contractors executed the contract agreement on 12 2 1943 from which date they were expected to start the work

As reported in this office letter No C 81-1278 dated 18th January 1944, the contractors did not give the stipulated monthly progress of Rs 7,000/- even once The work should have been finished by December 1943 or so, but the contractors were able to do only a small portion, leaving undone the major and more difficult portion of the work The progress for November and December 1943 was nil The opinion of the then Special Officer was that with their limited means and equipment, the contractors may not be able to complete the work at all and that they are unfit to undertake a work of such magnitude and importance The opinion of the present Special Officer on the petition of the ex-contractors is to the same effect, namely "this is clearly a case where the incapacity of the contractors has cost dearly both the Government and the contractors, unless the Government wish to be merciful

I am also of the opinion of the Special Officer, if Government wish to be sympathetic, some concession may perhaps be shown to the firm

The petition is retransmitted herewith

I have the honour to be,
Sir,
Your most obedient servant,

Director of Public Health

BSN

L-6828-9

10/1/45

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

To, ---- ----

1) The D P H

2) The chief Engineer for Mysore

Sir,

With reference to ~~the~~

1) The correspondence ending with

2) Your unofficial Note

your letter No C-81-165/1949-44

No P C 280 & 15-11-44

--- ~~&~~ re The Refund of the

--- deposit of Messrs N Nanjundiah

& Sons, Contractors for the

work of duplicating the

Mallesvaram - Malleswaram sewer

B ext, I am directed to

request you to furnish

your definite opinion

whether the party deserves

any consideration in the

matter and if so, on what

--grounds

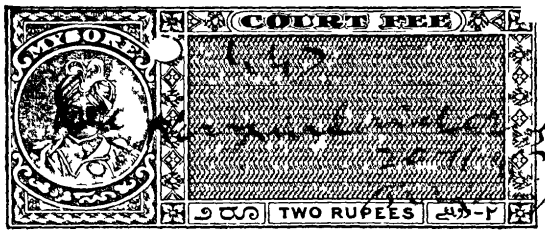
I have the

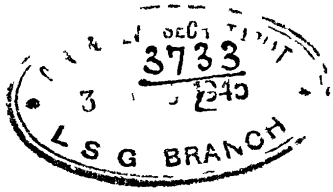
honour

for

Secretary

WD 0565—GPR—22 500—8 11 38

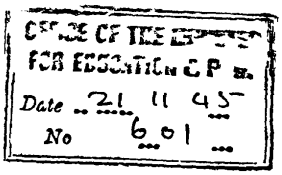




To

The Hon'ble Minister for Education and Public Health
in Mysore, Bangalore.

Respected Sir,



I beg to submit these following few lines for your sympathetic consideration and gerous orders:-

Tenders were called for duplicating the main line of Malleswaram in May 1942 My father N Anjundiah, Govt Contractor, offered his tender in respect of this work at the then prevailing rates with the fervent hopes of getting from the benign Government such considerations as would be reasonably expected of from time to tire with reference conditions relating to materials and labour. It took a long time for Government to decide the question of disposal of work on contract with reference to the tenders. My father's tenders were accepted so late as Feb 1943 i e, nearly after ten months after tenders were given by which time execution of public works presented serious difficulties owing to war conditions. Still my father being a P W.D. contractor accepted the work with full hopes of getting encouragement and expectations from officers in charge of work, of appreciation of local conditions.

we started work and collected materials paying inflated prices. We were asked to purchase stone-ware pipes only from the Mysore Stoneware Manufacturing Co. We were subjected to some loss on this account also My father inspite of changed conditions showed a progress of Rs 21,000/- between May and Septr 1943. From Oct to Dec 1943 no progress could be shown, as rains were very heavy and work had to be executed in a marshy area with water two feet below the surface of earth. This is all that progress that could

could have been shown by any contractor in a marshy area when there were heavy showers of rain and labour was accute. Instead of considering the difficulties intervening the discharge of work with rapidity, strict enforcement of pace of progress was made and the contract recommended to be cancelled and forfeiture of our deposit amounts recommended. Any amount of personal representation to the officers in charge of work was of no use. In Feb 44 the contract was cancelled snd deposits ordered to be forfeited.

The stone ware, pipes company were urging for the payment of money. The Special officer Director of Public Health who was requested to give us some relief in the matter did not take the stock of pipes we had purchased for the purposes and as regards the loss we sustained in regard to the purchase of materials we had to sustain as the Special officer Director was of opinion that the purchase of materials were matters of private transaction.

My father N. Manjundiah who was discharging Government contracts for the past 40 years was never in his life time subjected to such a humilaation and shock as the cancellation of a contract his even and the forfeiture of the deposits sucked out his spirits and he fell a victim to blood pressure. He himself disposed of his house in the cottonpet to make good the losses he sustained on account of this contract for Rs 6000/-/- and finally died within a couple of months after the cancellation of the contract. I represent to Government sir, that the forfeiture of deposits may kindly be cancelled and ordered to be refunded on the following among other grounds.-

1. That Government should appreciate the changed conditions obtaining out of war resulting in inflated price of materials and the rates of labour.

2. The progress shown was not so small as to warrant the cancellation of a contract and forfeiture of deposits, as that was all the progress that could have been shown in a rainy season in a marshy area, when labour had attraction of employment in the military departments and in the aircraft. The progress shown in spite of these condirions was not short of progress shown by other contractors in respect of similar works. Even in respect of the same work which was disposed of on re-tender to a separate contractor better progress has not been shown. (with much higher rates) A comprative estimate of the pace of progress shown will convince your kind honour about the rapidity with which a work of the kind could have been executed. I may submit that the cancellation of our contract and its disposal to a separate contractor has not achieved the purpose with which it was done apart, from depriving us of our work.

3. That the forfeiture of even the deposits made by us is most unkind when Government have encouraged contractors by allowing liberal rates and got works executed. Instead of giving us concessions that were due, the cancellation of the contract and further forfeiture of deposits would only ruin us. This is unsupportable and touching loss. Enhanced rates for even non-tendered amounts as blasted rocks etc were refused in our case.

4. Our materials were not purchased we had to take recourse to dispose them of to other contractors when the Director (Deputy Director - of Public Health) was approcahed and requested for reconsideration of our case and to refund our deposits at least, the Director charged me with having derived profits out of stone-ware pipes and the misuse of cement to the extent of 66 bags which he made no demand for the pipes immediately after the cancellation, and all the cement that remained after its use to the work entrusted to us was surrendered by us. I am not a business man in dealing with cement. I used the cement for the work and surrendered at prices that were offered by Govt to works in respect of which requisitions were received

The demand for the pipes came 6 months after they were sold by me after paying heavy interest to my Bankers. Also the pretender Wolfenden did not Contain the Surrender of the pipes but only of Cement.

We have sustained very heavy losses on account of this contract. we request the benign Government to kindly consider the abnormal conditions under which we executed the work at low rates and appreciate the pace of progress that was shown in spite of extraneous circumstances and request that the deposits may be ordered to be refunded and enable us to discharge public works.

For this act of kindness and generosity we ever remain grateful

Youts faithfully,

For N Vanjundiah and sons.

Bangalore.
21/11/45

C F. No 46] **GOVERNMENT OF MYSORE**

No No PC 80
Encls

OFFICE OF The Chief Engineer for Irrigation,
Bangalore

Date Sept. 4/1945

To

The Additional Secretary to Government,
Bangalore.

ADDITIONAL SECRETARY GOVERNMENT OF MYSORE
No
Date 7 9 45

1847

Sir,

Subject: Refund of deposit amount of Messrs N Nanjundaiah & Sons

With reference to correspondence ending with your reminder No L 1282-3 dated 25th August 1945, I have the honor to state that in respect of works taken on contract during 1941-42 and 1942-43 the position of the contractors was particularly hard and precarious inasmuch as the rates for materials and wages for labour were fluctuating violently and in several cases contractors have suffered very seriously when they were asked to carry out works according to tendered rates and on account of which they were also compelled to stop the works altogether

2 The petitioner has indicated the various circumstances under which he has been forced to apply to Government for redress I consider that the reasons adduced are cogent enough to deserve sympathy and for these grounds recommended the refund of the deposit amounts

P T O

in my unofficial reply dated 14-11-1944.

I have the

Sir,

Your most obed

Chief Engineer for Irriga

REV SECRETARIAT
2360
OCT 1945
G BRANCH

25th September 1945

27

The Additional Secretary to Government,

Bangalore

Sub - Refund of the Deposit of Messrs N Nanjundiah & Sons, tenderers for the work of duplicating the Malleswaram Low Level Sewer whose tender was cancelled

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With reference to your letter No I 1&L-3 dated 25th August 1945 on the above subject, I have the honour to state that the Contractors do not deserve of any consideration in as much as they have mis-used 66 bags of cement and large quantities of stoneware pipes entrusted to them. They have taken no notice of the demand from the Special Officer for returning the cement. In his letter No 10 dated 30th January 1945 the Special Officer have reported that the contractors have sold the pipes etc purchased for the above work, to the present contractors and thereby made a profit of about Rs 9,607/- at the present rates

under the

contractors f[illegible] of the

any reconsider[illegible]

I have the h[illegible]

Sir,

Your most obed[illegible]

[illegible]

Director of Public[illegible]

No L 4409

Immediate 30/XI/45

To

The Chief Engineer for
Irrigation in Mysore

Refund of deposit amount of
Messrs Rangiundaiah and Sons

Sir,

With reference to the correspondence
ending with your letter No P-L 80,
dated 4-9-45, on the above subject,
I am directed to enquire whether there
are any cases where such refunds were
ordered by Govt in similar circumstances,
~~And~~ If so, a copy of the ~~Govt~~ order
relating to it may be kindly forwarded
to this office early

An ~~immediate~~ early reply is requested

for Secretary

No L 12823 Bangalore 23/8/43

To 1) The Chief Engineer
Irrigation &
2) Director of Public Health
Mysore

Sir,

I am directed to invite reference to this office letter No L 6828-9 D 10-1-43, calling for your definite opinion as to refund of the deposit amount of Messrs Nanjundaiah & Co, tenderers for the work of replacing the Halleswaram sewer, and to request it a reply in the matter

L 4923. 11-12-45

To The Chief Examiner of Accounts

Refund of defence amount of
Messrs N Ramchandra and Sons

Sir,

I am directed to invite reference to this office letter No L 4409 dated 30-11-45 calling for information as to whether there are any cases where such refunds were ordered by Govt in similar cases, and to request that a reply may be kindly furnished very early

Yours faithfully
for Secretary

L.6930

Immediate 18-1-46

~~Dear Sir~~,

Subj - Refund of deposit amount of Items in Nanjundaiah and Sons

Dear Sir,

I am desired to invite reference to this office letter No L 4409 dated 30-11-45 and subsequent reminder No L 4923 dated 11-12-45 calling for information as to whether there are any cases wherein such refunds were ordered by the Govt and

To request you to kindly furnish
the above information immediately

Yours Sincerely
for
16/1/46

To Narasimhaiah Esq
B A C E
Chief Engineer (Ver
Visakhapatnam

OFFICE OF THE ... FOR IRRIGATION ...
GEN & REV SECRETARY
28 MAR 1946
6751
25-3-46

No. 1998/S
Title

To

The Secretary to Government,
Revenue Department, Bangalore

Sir,

Refund of Deposit amount of M/s N.Nanjundiah & Sons

With reference to your D.O.letter No.L 6930 dated the 18th January 1946, on the above subject, I have the honour to state that on a similar case, viz , construction of a new tank at Bidadi the forefeited deposit amount and the penalty imposed on the contractor Mr.Fakir Ahmed, were ordered to be refunded, vide., D Note No.634 dated 25-11-38 with orders of Government thereon, enclosed for reference and kind return.

2 The present case is also considered likewise, if not a harder one, on account of the days of disturbance and abnormal conditions that prevailed and as already recommended by me, I request that Government may be pleased to order the refund of the deposit amounts to Messrs N Nanjundiah & Sons.

3. This disposes of your letter Nos L 4409 and L.4923 dated 30-11-1945 and 11-12-1945 respectively.

I have the honour to be
Sir,
Your most obedient servant,

CHIEF ENGINEER FOR IRRIGATION

SS.24/3

5897

Rec Fee
No. 1817
13 11 46

Dml 13-46-31

Endorsement granted to

Messrs N Nanjundaiah & Sons
Builders & Sanitary Contractors
Second Cross road
Malleswaram P.O
Bangalore

the reply to his application dated
17-7-1944, requesting for the refund
of the deposit money of Rs 2 600-
in connection with the duplication of the Malleswaram Main P'line
which was ordered to be forfeited
vide G.O. No. 4308-II/ML 81-43-26
dated 12-2-44, Mr N Krishnamurthy
is informed that his request cannot
be granted

P.T.O

for Revenue Secy

Memo no 5898 dt 13 11 46

Copy sent to the Chief Engr for
info for info with reference to his
letter No 1998 dated 25-3-46

2) This office letter is herewith returned
to
for
Jan Reverse

Memo No 5899 dated 13.11.46
Jan Reverse

Copy sent to the Chairman C-S-T Board
Bldg, for info with reference to this letter
No 57/46 dated 9-7-46.

Memo dt
15900 Copy sent to Director of Health
7/13 11 46
for info and with reference to his
letter No C80-70 dt 27-9-45

to
for
Jan Reverse

to
for
Jan Reverse